

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re:	§	Case no. 21-33989
Smokinkwr LLC	§	Chapter 11
Debtor-in-Possession	§	

**EMERGENCY MOTION OF DEBTOR-IN-POSSESSION FOR USE OF CASH
COLLATERAL**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

EMERGENCY RELIEF HAS BEEN REQUESTED. IF THE COURT CONSIDERS THE MOTION ON AN EMERGENCY BASIS, THEN YOU WILL HAVE LESS THAN 21 DAYS TO ANSWER. IF YOU OBJECT TO THE REQUESTED RELIEF OR IF YOU BELIEVE THAT THE EMERGENCY CONSIDERATION IS NOT WARRANTED, YOU SHOULD FILE AN IMMEDIATE RESPONSE.

DEBTOR-IN-POSSESSION REQUESTS THE COURT HEAR THE MOTION ON DECEMBER 24, 2021 OR AS SOON AS PRACTICALLY POSSIBLE.

TO THE HONORABLE UNITED STATES BANKRUPTCY COURT:

COMES NOW, Smokinkwr LLC (“Debtor-in-Possession”), with its Emergency Motion for Use of Cash Collateral (“Motion”), pursuant to 11 U.S.C. § § 361(2) and 363(c)(2), and in support thereof would respectfully show unto this Court as follows:

BASIS FOR EMERGENCY CONSIDERATION

1. Debtor-in-Possession respectfully requests the Court consider this Motion on an emergency basis pursuant to Federal Rule of Bankruptcy Procedure 4001(b)(2). Debtor-in-Possession believes that an orderly transition into bankruptcy is crucial to the viability its operations and any delay in obtaining the use of cash collateral would leave Debtor-in-Possession unable to meet important obligations to employees and vendors. If Debtor-in-Possession does not meet those obligations, it could be forced to close, which would cause likely foreclose its ability to reorganize and pay its creditors.

PARTIES

2. Debtor-in-Possession may be served through its Sole Member and Managing Member Brian M. Hubbard.

3. There are nine creditors that claim liens on Debtor-in-Possession's assets by UCC-1 Financing Statements. Three of the financing statements were filed by Corporation Service Company ("CSC"), each as representative for an undisclosed party. Two of the financing statements were filed by CT Corporation System, each as representative for an undisclosed party. Below is a list of all parties that have filed UCC-1 Financing Statements and those that Debtor-in-Possession believes may have filed UCC-1 Financing Statements.

a. Lienholders

- i. US Foods, Inc. ("US Foods"), which may be served through is registered agent Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, TX 78701-3136, with a copy to its President at 9399 W Higgins Road, Suite 500, Rosemont, Illinois 60018.

- ii. Roc Funding Group LLC (“RFG”), which may be served through its registered agent Daren Dorval, President and Managing Member at 260 Christopher Lane, Staten Island, New York 10314.
- iii. Overnight Capital LLC (“Overnight”), which may be served through its registered agent The Limited Liability Company, 124-17 Metropolitan Avenue, Jamaica, New York 11415.
- iv. Wynwood Capital Group LLC (“Wynwood”), which may be served through its registered agent Northwest Registered Agent, LLC, 90 State Street, Ste 700, Office 40, Albany, New York, 12207, with a copy to its Member Sam Gross at 20200 W. Dixie Highway, Miami, Florida 33180.
- v. Spark Funding, LLC dba Fundamental Capital (“Spark”), which may be served through its registered agent Fundamental Capital, c/o Lawrence Pross, 465 Utica Avenue, Brooklyn, New York 11203, with a copy to its servicing and collection agent AMA Recovery Group, Michael S. Kelleher, 3131 Eastside Street, Suite 350, Houston, Texas 77098.

b. Other Potential Lienholders

- i. Fox Capital Group Inc. (“Fox”), which may be served through its registered agent The Limited Liability Company, 300 E. 56th Street, Suite 6 J, New York, New York 10021, with a copy to its Managing Member Yosef Rapoport, at 140 Broadway, 46th Floor, New York, New York 10005.
- ii. Forward Financing LLC (“Forward”), which may be served through its registered agent Corporate Creations Network Inc, 225 Cedar Hill Street, Suite 200,

Marlborough, Massachusetts 01752, with a copy to its Manager Justin Bakes at 53 State Street, 26th Floor, Boston, Massachusetts 02109.

- iii. Everest Business Funding LLC (“Everest”), which may be served through its registered agent NRAI Services, Inc. 1200 South Pine Island Road, Plantation, Florida 33324 with a copy to its Manager Scott Crockett at 8200 NW 52nd Terrace, Suite 200, Doral, Florida 33166.
- iv. Cloudfund LLC (“Cloudfund”), which may be served through its registered agent The Limited Liability Company, 400 Rella Blvd, Suffern, New York 10901.

JURISDICTION AND VENUE

- 4. The Court has jurisdiction pursuant to 28 U.S.C. § 1334, venue is appropriate pursuant to 28 U.S.C. § 1408, and this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(M).

NOTICE

- 5. Adequate notice of the Motion has been given to prevent immediate and irreparable harm consistent with Federal Rule of Bankruptcy Procedure 4001(b) and Local Bankruptcy Rule 4002-1(i).

FACTS

- 6. Debtor-in-Possession was formed on March 4, 2014. Debtor-in-Possession is in good standing with the Secretary of the State of Texas.
- 7. Debtor-in-Possession is in the business of preparing BBQ food which is sold to retail customers.
- 8. On December 14, 2021, Debtor-in-Possession filed a voluntary Chapter 11 petition to protect its business as an ongoing concern. No Trustee has been appointed and the Debtor-in-Possession is operating as a Debtor-in-Possession-in-Possession.

9. Debtor-in-Possession has engaged in numerous merchant agreements with each the parties listed in paragraph 3.

10. In each of these merchant agreements, Debtor-in-Possession agreed to sell its future receivables to the purported lienholders. As part of the sale, Debtor-in-Possession granted each of the lienholder's security interests.

11. A summary of the lienholders and their collateral is shown below:

Name	Price	Purchased	Owed¹	Collateral	Date Sold	UCC Recorded²
US Foods			\$177,558	Accounts, Goods, Inventory, Equipment, Fixtures, Vehicles		7/6/2020
Forward Financing LLC	\$160,000	\$220,000	\$103,500	Unknown	6/23/2021	Unknown
Fox Capital Group Inc (Ex. D)	\$150,700	\$216,000	\$138,600	Unknown	8/19/2021	8/20/2021 ³
Everest Business Funding	\$250,000	\$347,500	\$250,200	Unknown	8/20/2021	Unknown
Roc Funding Group LLC	\$150,000	\$219,000	\$175,200	Equipment, Accounts, Chattel Paper, General Intangibles, Inventory, Accounts Receivables	9/21/2021	9/22/2021
CloudFund LLC	\$125,000	\$186,250	\$170,729	Unknown	10/6/2021	10/6/2021

¹ As claimed by the creditor

² Some of these UCC-1 filings may constitute voidable preferences under 11 U.S.C. § 547.

³ Fox Capital Group alleges that on this date CT Corporation System filed a UCC-1 on its behalf.

Overnight Capital LLC	\$125,000	\$187,375	\$166,786	Accounts, Chattel Paper; Inventory; Equipment; Instruments; Investment Properties; Documents; Deposits Accounts; Letter of Credits; General Intangibles	10/6/2021	10/6/2021
Wynwood Capital Group LLC (Ex. E)	\$107,000	\$160,393	\$158,506	Accounts, Receipts, Instruments, Contract Rights, Patents, Chattel Paper, Leases, General Intangibles	10/19/2021	10/21/2021 ⁴
Spark Funding LLC dba Fundamental Capital	\$44,659	\$63,416	\$51,520	Goods, Instruments, Notes, Chattel Paper, Documents, Books & Records, Accounts, Equipment, Inventory, Intangibles,	10/28/2021	10/29/2021

⁴ Wynwood alleges in its NY State Complaint that on this date CT Corporation System filed a UCC-1 on its behalf.

CASH COLLATERAL

12. Debtor-in-Possession requires the emergency use of cash collateral in the amount of \$230,173.43 for the next twenty (20) days to meet regular expenses needed to continue its business operations. Most of these funds are for payroll and vendor payments. The anticipated income for this period is \$356,297.16. A copy of the anticipated budget for the next 20 days is attached as Exhibit “A” for reference.

13. In addition, Debtor-in-Possession requires the use of cash collateral in the amount of \$316,651.73 monthly. The anticipated monthly income is \$537,069.91. A copy of the monthly budget is attached as Exhibit “B” for reference.

14. Without the use of cash collateral, Debtor-in-Possession will be unable to retain or pay employees, maintain its assets, pay payroll taxes, suppliers, overhead, and other expenses necessary for its reorganization.

15. As adequate protection for the use of cash collateral, Debtor-in-Possession shall agree, with Court approval, to grant replacement liens to all lienholders equal to those validly held pre-petition.

16. Additionally, Debtor-in-Possession shall make an adequate protection payment of \$10,000.00 on the 1st of each month, with each party listed in paragraph 3 receiving a pro-rata share according to the amount owed in paragraph 11. Each party’s proposed monthly distribution is listed in Exhibit “C”.

17. The adequate protection payment shall be applied to the amount owed the creditor. Any payments made in excess of a creditor’s approved claim or to an unsecured party may be subject to turnover in the future under 11 U.S.C. § 549(a)(2)(A).

PRAYER FOR RELIEF

WHEREFORE, Debtor-in-Possession prays the Court conduct an Emergency Hearing on the Emergency Motion to Use Cash Collateral, enter an Order for Emergency Use of the Cash Collateral for the Period of December 14, 2021 through January 14, 2022, set a final hearing on the Motion, enter an Order for Use of Cash Collateral after the hearing, and for such other and further relief, at law and in equity, as the Court deems just.

Dated: December 22, 2021

Respectfully submitted,

THE LAW OFFICE OF THOMAS F. JONES III

By: /s/ Thomas F. Jones III

Thomas F. Jones III

Texas Bar No. 10974400

Federal Id No. 2048

1770 St. James Place, Suite 105

Houston, Texas 77056

Tel: (832) 398-6182

Fax: (832) 200-3524

Email: tfjpacer@gmail.com

ATTORNEY FOR DEBTOR-IN-POSSESSION-
IN-POSSESSION

CERTIFICATE OF ACCURACY

This is to certify that the information in this emergency motion is accurate.

By: /s/ Thomas F. Jones III

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was served upon those shown below by the method indicated and upon the attached service list by United States first class mail on December 23, 2021:

Office of the U.S. Trustee
515 Rusk Avenue, Ste. 3516
Houston Texas 77002
Via ECF

Corporation Service Company, As Representative
P.O. Box 2576
Springfield Illinois 62708
Via First Class Mail

Corporation Service Company
d/b/a CSC-Lawyers Incorporating Service Company
211 E. 7th Street, Suite 620
Austin TX 78701-3136
Via First Class Mail

President
US Foods, Inc.
9399 W Higgins Road, Suite 500
Rosemont Illinois 60018
Via First Class Mail

US Foods, Inc.
Brian Shaw
BShaw@cozen.com
Via E-mail

Daren Dorval
Roc Funding Group LLC
260 Christopher Lane
Staten Island New York 10314
Via First Class Mail

Roc Funding Group LLC
Ahn H. Regent
aregent@regentlawfirm.com
Via E-mail

Roc Funding Group LLC
Ann Dunn
adunn@regentlawfirm.com
Via E-Mail

Overnight Capital LLC
c/o The Limited Liability Company
124-17 Metropolitan Avenue
Jamaica New York 11415
Via First Class Mail

Wynwood Capital Group LLC
c/o Northwest Registered Agent, LLC
90 State Street, Ste 700, Office 40
Albany New York, 12207
Via First Class Mail

Sam Gross
Wynwood Capital Group LLC
20200 W. Dixie Highway
Miami Florida 33180
Via First Class Mail

Wynwood Capital Group LLC
Gene Rosen
Gene@generosen.com
Via E-mail

Fundamental Capital
c/o Lawrence Pross
465 Utica Avenue
Brooklyn New York 11203
Via First Class Mail

AMA Recovery Group
Michael S. Kelleher
3131 Eastside Street, Suite 350
Houston Texas 77098
Via First Class Mail

AMA Recovery Group
Michael S. Kelleher
mkelleher@amarecovery.com
Via E-mail

The Limited Liability Company
300 E. 56th Street, Suite 6J
New York New York 10021
Via First Class Mail

Corporate Creations Network Inc
225 Cedar Hill Street, Suite 200
Marlborough Massachusetts 01752
Via First Class Mail

Justin Bakes
53 State Street, 26th Floor
Boston Massachusetts 02109
Via First Class Mail

NRAI Services, Inc.
1200 South Pine Island Road
Plantation Florida 33324
Via First Class Mail

Scott Crockett
8200 NW 52nd Terrace, Suite 200
Doral Florida 33166
Via First Class Mail

The Limited Liability Company
400 Rella Blvd
Suffern New York 10901
Via First Class Mail

Lawrence Pross
Spark Funding, LLC dba Fundamental Capital
465 Utica Avenue
Brooklyn New York 11203
Via First Class Mail

Michael S. Kelleher
AMA Recovery Group
3131 Eastside Street, Suite 350
Houston Texas 77098
Via First Class Mail

Spark Funding, LLC dba Fundamental Capital
Alan C. Hochheiser
ahochheiser@mauricewutscher.com
Via E-mail

Fox Capital Group Inc.
c/o The Limited Liability Company
300 E. 56th Street, Suite 6 J
New York, New York 10021
Via First Class Mail

Yosef Rapoport
Fox Capital Group Inc
140 Broadway, 46th Floor
New York New York 10005
Via First Class Mail

Fox Capital Group Inc
Joe Lieberman, Esq.
joe@landklegal.com
Via E-mail

Forward Financing LLC
c/o Corporate Creations Network Inc
225 Cedar Hill Street, Suite 200
Marlborough Massachusetts 01752
Via First Class Mail

Justin Bakes
Forward Financing LLC
53 State Street, 26th Floor
Boston Massachusetts 02109
Via First Class Mail

Everest Business Funding LLC
c/o NRAI Services, Inc
1200 South Pine Island Road
Plantation Florida 33324
Via First Class Mail

Scott Crockett
Everest Business Funding LLC
8200 NW 52nd Terrace, Suite 200
Doral Florida 33166
Via First Class Mail

Cloudfund LLC
c/o The Limited Liability Company
400 Rella Blvd
Suffern New York 10901
Via First Class Mail

Dickey's BBQ
John D. Elrod
ElrodJ@gtlaw.com
Via E-mail

Hickman Investments, Ltd. and HCRE, LLC
Mike Smiley
mike.smiley@uwlaw.com
Via E-mail

/s/ Thomas F. Jones III
Thomas F. Jones III

Label Matrix for local noticing
0541-4
Case 21-33989
Southern District of Texas
Houston
Thu Dec 23 07:02:39 CST 2021

PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

4
United States Bankruptcy Court
PO Box 61010
Houston, TX 77208-1010

AW Billing Services LLC
4431 N Dixie Highway
Boca Raton , FL 33431-5028

Barri Financial Group
9800 Centre Pkwy
Collections Desk
Houston, TX 77036-8261

Brixmor Property Group
One Fayette St, Suite 150
Conshohocken, PA 19428-2081

Carolina Real Estate Holdings, LLC
1521 Asbury Lane
Lucas TX 75002-7694

ChemMark of Houston
6531 Petropark Drive
Houston TX 77041-4900

City of Waco and/or Waco Independent School
c/o Tara LeDay
P.O. Box 1269
Round Rock, TX. 78680-1269

Coca-Cola Southwest Beverages LLC
PO Box:744010
ATLANTA, GA 30374-4010

HCRE, LLC
c/o Underwood Law Firm, P.C.
P. O. Box 9158
Amarillo, TX 79105-9158

Smokinkwr LLC
2124 Rope Maker Rd
Conroe, TX 77384-2510

ABLS-TX
1st Source Restaurant Services, Inc
665 E Jones St
Lewisville TX 75057-2617

Amrinder LLC
10600 Fondren Rd
Houston, TX 77096-5420

Brian L. Shaw
Cozen O'Connor
123 North Wacker Drive, Suite 1800
Chicago, IL 60606-1770

CAPITAL RETAIL PROPERTIES LLC
6363 WOODWAY #1125
HOUSTON TX 77057-1758

Champion Energy
PO BOX 4190
Houston, TX 77210-4190

Cirro Energy
PO Box 2229
Houston, TX 77252-2229

Cloud Fund LLC
400 Rella Blvd, #165-101
Suffern, NY 10901-4241

Cypress-Fairbanks ISD Tax Collector
10494 Jones Rd #106
Houston, TX 77065-4210

Hickman Investments, Ltd.
c/o Underwood Law Firm, P.C.
P. O. Box 9158
Amarillo, TX 79105-9158

Texas Taxing Authorities
c/o Tara LeDay
P.O. Box 1269
Round Rock, TX 78680-1269

AT&T
PO BOX 5014
Carol Stream IL 60197-5014

Armish LLC
1221 Saint Emilion
Southlake, TX 76092-4617

Brian Michael Hubbard
2124 Rope Maker Rd
Conroe, TX 77384-2510

COMET SIGNS
PO Box 2229
Houston TX 77252-2229

ChemMark of Dallas
8290 FM 2727
Terrell, TX 75161-8223

City of Houston
Burglar Alarm Administration
PO Box 203887
Houston, TX 77216-3887

Coca-Cola North America
PO BOX 102703
ATLANTA, GA. 30368-2703

Divvy
13707 S 200 W Suite 100
Draper, UT 84020-2443

DoorDash, Inc.
303 2nd Street
South Tower
San Francisco, CA 94107-1366

(p)EVEREST BUSINESS FUNDING LLC
8200 NW 52ND TERR
SECOND FLOOR
DORAL FL 33166-7852

Fluid Solutions
PO BOX 1978
Mansfield TX 76063-0018

Form Center
231 Croton Ave
Cortlandt Manor NY 10567-5219

Forward Financing, LLC
53 State St, 20th Floor
Boston, MA 02109-3204

Fox Capital Group Inc
140 BROADWAY, 46TH FL
NEW YORK, NY 10005-1100

Gene W. Rosen
Gene Rosen's Law Firm
200 Garden City Plaza, Ste 405
Garden City, NY 11530-3338

Greenlight Services Inc
PO Box 1813
Cypress, TX 77410-1813

Harris County Alarm Detail
9418 Jensen Drive, Suite A
Houston TX 77093-6840

Hickman Investments, Ltd
HCRE, LLC
131 E Exchange Ave, #207
Fort Worth TX 76164-8244

Info-Hold Inc DBA United Media Solution
4120 Airport Road
Cincinnati, OH 45226-1644

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

Joe Lieberman
Lieberman and Klestzick, LLP
71 S. Central Ave, Suite 200
Valley Stream, NY 11580-5403

Keter Environmental Services
PO BOX 417468
Boston MA 02241-7468

Metro Linen Service
PO BOX 978
MCKINNEY TX 75070-8146

Midland Central Appraisal District
c/o Tara LeDay
P.O. Box 1269
Round Rock, TX. 78680-1269

Overnight Capital
124-17 Metropolitan Captial Group, Inc
New Gardens, NY 11415

Patrice & Associates Franchising
3140 W Ward Rd #202
Dunkirk MD 20754-3047

R.B.A.S Properties III
6200 Southwest Blvd
Fort Worth TX 76109-6906

RGI BUILDING MAINTENANCE, LLC
d/b/a GOLD STAR SERVICES
PO BOX 544
SUGAR LAND, TX 77487-0544

Remington Addison Plaza, LLC
8901 Governors Row
Dallas TX 75247-3707

Roc Funding Group
1437 Richmond Rd
Staten Island, NY 10304

Smokey Bites LLC
c/o Patterson Boyd & Lowery, PC
2101 Louisiana St.
Houston, TX 77002-8623

Spark Funding LLC
dba Fundamental Capital
100 Garden City Plaza, #410
Garden City, NY 11530-3216

TAALVI LLC
3221 West 4th St
Fort Worth Texas 76107

(p)TXU ENERGY RETAIL COMPANY LP
CO BANKRUPTCY DEPARTMENT
PO BOX 650393
DALLAS TX 75265-0393

Tax Appraisal District of Bell County, Texas
c/o Tara LeDay
P.O. Box 1269
Round Rock, TX. 78680-1269

The County of Hardin, Texas
c/o Tara LeDay
P.O. Box 1269
Round Rock, TX. 78680-1269

The County of Henderson, Texas
c/o Tara LeDay
P.O. Box 1269
Round Rock, TX. 78680-1269

The County of Williamson, Texas
c/o Tara LeDay
P.O. Box 1269
Round Rock, TX. 78680-1269

The Hartford
P O Box 660916 Dallas, TX 75266-0916
Dallas, TX 75266-0916

US FOODS INC
PO BOX 840396
DALLAS TX 75284-0396

US Trustee
Office of the US Trustee
515 Rusk Ave
Ste 3516
Houston, TX 77002-2604

United Media Solution
4120 Airport Rd
Cincinnati OH 45226-1644

Wynwood Capital Group LLC
20200 W Dixie Highway
Miami, FL 33180-1922

Yellow Dog Software
965 Norfolk Square
Norfolk, VA 23502-3227

Brendon D Singh
Tran Singh, LLP
2502 La Branch Street
Houston, TX 77004-1028

Thomas Frederick Jones III
Law Office of Thomas F. Jones III
PO Box 570783
Houston, TX 77257-0783

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Everest Business Funding
5 West 37th ST, #110
New York, NY 10018

TXU ENERGY
P.O. BOX 650638
DALLAS, TX 75265-0638

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Smokey Bites LLC

(d)PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

End of Label Matrix	
Mailable recipients	67
Bypassed recipients	2
Total	69

EXHIBIT A

Dickey's Barbecue Pit 20-Day Budget

	<u>Total</u>
Income	
4000 Sales	
4100 Non Catering Sales	310,974.50
4200 Catering Sales	45,322.66
Total 4000 Sales	\$ 356,297.16
Unapplied Cash Payment Income	0.00
Total Income	\$ 356,297.16
Cost of Goods Sold	
5000 Cost of Goods Sold	
5100 Meat	73,312.85
5200 Grocery	5,896.60
5300 Beverage	1,030.40
5400 Paper	8,490.50
5600 Wood	410.62
Total 5000 Cost of Goods Sold	\$ 89,140.97
Total Cost of Goods Sold	\$ 89,140.97
Gross Profit	\$ 267,156.19
Expenses	
6000 Payroll Labor Expenses	
6025 Salaries and Wages	146,959.36
6026 Payroll Expense	650.00
6100 Overtime	323.00
Total 6000 Payroll Labor Expenses	\$ 147,932.36
6300 Employer Taxes	4,318.22
7000 Franchise Fees	
7025 Marketing	3,906.26
7050 Royalty Expense	4,739.45
7060 Training Expenses	110.00
Total 7000 Franchise Fees	\$ 8,755.71
7300 Rent & Lease	50,867.00
7400 Utilities	
7410 Water	473.42
7420 Gas/CO2	1,473.82
7445 Cable/Internet	3,266.00
Total 7400 Utilities	\$ 1,066.00
7800 Repairs & Maintenance	
7811 Pest Control	416.76
7816 General Repairs	1,000.00
Total 7800 Repairs & Maintenance	\$ 1,416.76
7820 Automobile	113.74
7950 Office Supplies & Software	269.00

7955 Equipment & Supplies	999.70
8000 Ask My Accountant	0.00
8010 Travel	1,365.56
8100 Bank Charges & Fees	
8110 Credit Card Fees	961.77
8112 Merchant Services	394.60
8115 Bank Fees	3,192.07
Total 8100 Bank Charges & Fees	\$ 4,548.44
8150 Cash Over / Under	250.00
8200 Equipment Rental	2,217.91
8201 Ice Machine Rental	823.30
Total 8200 Equipment Rental	\$ 3,041.21
8650 Trash / Waste Removal	212.92
8830 Miscellaneous Expense	0.00
8835 Delivery	0.00
8850 Legal & Professional Services	
8851 Legal	5,000.00
Total 8850 Legal & Professional Services	\$ 5,000.00
QuickBooks Payments Fees	16.81
Unapplied Cash Bill Payment Expense	0.00
Uncategorized Expense	0.00
Total Expenses	\$ 230,173.43
Net Operating Income	\$ 36,982.76
Other Income	
9100 Other Miscellaneous Income	0.00
Total Other Income	\$ 0.00
Net Other Income	\$ 0.00
Net Income	\$ 36,982.76

Wednesday, Dec 15, 2021 05:24:25 PM GMT-8 - Cash Basis

EXHIBIT B

Dickey's Barbecue Pit 30-Day Budget

	<u>Total</u>
Income	
4000 Sales	
4100 Non Catering Sales	467,752.49
4200 Catering Sales	65,740.10
Total 4000 Sales	\$ 533,492.59
Unapplied Cash Payment Income	3,577.32
Total Income	\$ 537,069.91
Cost of Goods Sold	
5000 Cost of Goods Sold	
5100 Meat	133,312.85
5200 Grocery	6,220.64
5300 Beverage	1,030.40
5400 Paper	8,490.50
5600 Wood	410.62
Total 5000 Cost of Goods Sold	\$ 149,465.01
Total Cost of Goods Sold	\$ 149,465.01
Gross Profit	\$ 387,604.90
Expenses	
6000 Payroll Labor Expenses	
6025 Salaries and Wages	169,381.17
6026 Payroll Expense	0.00
6100 Overtime	344.45
Total 6000 Payroll Labor Expenses	\$ 169,725.62
6300 Employer Taxes	24,558.19
7000 Franchise Fees	
7025 Marketing	7,677.48
7050 Royalty Expense	9,341.47
7060 Training Expenses	110.00
Total 7000 Franchise Fees	\$ 17,128.95
7300 Rent & Lease	76,290.00
7400 Utilities	
7410 Water	569.26
7420 Gas/CO2	1,967.22
7445 Cable/Internet	4,890.00
Total 7400 Utilities	\$ 7,426.48
7800 Repairs & Maintenance	
7811 Pest Control	416.76
7816 General Repairs	1,000.00
Total 7800 Repairs & Maintenance	\$ 1,416.76
7820 Automobile	1,600.00
7950 Office Supplies & Software	296.10

7955 Equipment & Supplies	1,089.36
8000 Ask My Accountant	0.00
8010 Travel	1,590.32
8100 Bank Charges & Fees	
8110 Credit Card Fees	976.73
8112 Merchant Services	394.60
8115 Bank Fees	4,724.38
Total 8100 Bank Charges & Fees	\$ 6,095.71
8150 Cash Over / Under	0.00
8200 Equipment Rental	2,217.91
8201 Ice Machine Rental	823.30
Total 8200 Equipment Rental	\$ 3,041.21
8650 Trash / Waste Removal	212.92
8830 Miscellaneous Expense	0.00
8835 Delivery	150.00
8850 Legal & Professional Services	
8851 Legal	6,000.00
Total 8850 Legal & Professional Services	\$ 6,000.00
QuickBooks Payments Fees	30.11
Unapplied Cash Bill Payment Expense	0.00
Uncategorized Expense	0.00
Total Expenses	\$ 316,651.73
Net Operating Income	\$ 70,953.17
Other Income	
9100 Other Miscellaneous Income	683.00
Total Other Income	\$ 683.00
Net Other Income	\$ 683.00
Net Income	\$ 71,636.17

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EXHIBIT C

ADEQUATE PROTECTION PAYMENTS

CREDITOR	ASSERTED CLAIM	MONTHLY PAYMENT
US FOODS	\$177,558	\$1,274.91
FORWARD FINANCING	\$103,500	\$743.21
FOX CAPITAL	\$138,600	\$995.26
EVEREST BUSINESS	\$250,200	\$1,796.64
ROC FUNDING	\$175,200	\$1,258.08
CLOUDFUND	\$170,729	\$1,225.97
OVERNIGHT CAPITAL	\$166,766	\$1,197.66
SPARK DBA FUNDAMENTAL	\$51,520	\$369.96
WYNWOOD CAPITAL	\$158,506	\$1,138.20